



RESPONSE UNDER 37 C.F.R. §1.116  
EXPEDITED PROCEDURE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of                      Group Art Unit: 1641  
Peter Wilding et al.                      Examiner: Christopher L. Chin  
Application No. 10/646,678  
Filed: August 22, 2003  
For: Device and Method for the  
Detection of an Analyte  
Utilizing Mesoscale Flow  
Systems

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**Certificate of Mailing Under 37 C.F.R. §1.8(a):**

I hereby certify that this correspondence is being deposited on June 13, 2005 with the United States Postal Service as first-class mail in an envelope properly addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Caren Burgoon

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Commissioner for Patents  
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**TERMINAL DISCLAIMER RESPONSIVE TO  
OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION  
(37 C.F.R. §1.321(c))**

Dear Sir:

Trustees of the University of Pennsylvania, assignee of the entire right and title and interest in and to the above-identified patent application (hereinafter "the '678 application"), by virtue of an assignment from the applicants of

predecessor application, U.S. Patent Application No. 07/877,702, which was recorded in the United States Patent and Trademark Office June 18, 1992, at Reel 6144, and Frame 0905, through their undersigned attorney, acting pursuant to the authorization provided in 37 C.F.R. §1.321(b), hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the '678 application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, of U.S. Patent No. 5,427,946 issued June 27, 1995, of which Trustees of the University of Pennsylvania, as assignee, is the owner of the entire right, title and interest. The undersigned attorney hereby agrees that any patent so granted on the '678 application shall be enforceable only for and during such period that it and the U.S. Patent 5,427,946 are commonly owned. This agreement is to run with any patent granted on the '678 application and is binding upon the grantee, its successors or assigns.


In making the above disclaimer, the undersigned attorney does not disclaim the terminal part of any patent granted on the '678 application that would extend to the expiration date of the full statutory term, as defined in 35 U.S.C. 154 to 156 and 173, of U.S. Patent 5,427,946, as presently shortened by any terminal disclaimer, in the event that U.S. Patent 5,427,946 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a

reexamination certificate, is reissued in any manner or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by an terminal disclaimer filed in U.S. Patent 5,427,946, except for the separation of legal title stated above.

Attached is a check in the amount of \$130.00 in payment of the fee required in 37 C.F.R. §1.321.

The Commissioner is also authorized to charge any underpayment or credit any overpayment to the account of the undersigned attorneys, Deposit Account No. 04-1406. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

  
Patrick J. Hagan  
Reg. No. 27,643  
Attorney for Applicant

PJH:cmb  
Enclosures